

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Please note that a supplemental information disclosure statement (SIDS) has been filed concurrently with the present response. The Examiner is respectfully requested to consider and initial the cited references.

Upon entry of this amendment, claims 1-8, 10, 11, 13-25, 26-41, 43-46, 50-59, and 61 will be pending in the application. By this amendment, claims 1, 10-13, 19, 20, 39, 43, 50, 52, 54, and 56-58 are amended. Claims 9, 12 and 25 have been cancelled. No claims have been added. No new matter is added. Applicant respectfully submits that, upon entry of the subject amendment, the application will be in condition for allowance. Applicant, thus, respectfully requests consideration of the above amendment and following remarks.

In the pending office, action claims 20-24, 27-35, 58, 59, and 61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,282,405 to Brown ("Brown") and claims 1, 2, 5-19, 26, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown. Claims 3, 4, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Pat. No. 5,630,204 to Hylton et al ("Hylton") and claims 9, 25, 36-39, 43-46, and 50-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Pat. No. 6,420,965 to Nishikawa ("Nishikawa").

Applicant would like to thank Examiner Payne for conducting an in-person interview with Applicant's representative. Applicant's representative and Examiner Payne discussed the art relied upon in the office action in comparison with the claimed invention. The interview was helpful in facilitating and progressing the prosecution of the present application.

Briefly, the present invention forms a part of communications system and, in one embodiment, may include a fiber optic interface device configured to provide communications over a fiber optic network and a power line. In one embodiment the fiber optic interface device may include a modem, a fiber optic transceiver, and a

router. In addition, the fiber optic interface device may be communicatively coupled to a transformer bypass device.

Independent claims 20 and 58 stand rejected under 35 U.S.C. § 102(e) as being anticipated Brown. Similarly, claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Nishikawa. Generally, and in addition to other elements, claims 20 and 36 require a modem, a router, and a fiber optic transceiver. Claim 58 includes similar limitations in method form. The Office Action asserts that Brown discloses a “fiber transceiver/modem” at Figure 2. Figures 2-4 depict each depict two or more transceiver/modems that may have a speech/data input port and a speech/data output port.

First, Brown does not disclose that the transceivers are fiber optic transceivers. Second, Applicant submits that the transceiver/modems depicted in the schematics of Figures 2-4 represent a transceiver or a modem that may be disposed at or near the building (See Figure 1). The figures simply illustrate the flow of data from a first transceiver/modem, to a first network conditioning unit, to a second network conditioning unit, to a second transceiver/modem. For example, in Figure 2 the speech or data may be modulated by a first modem and transmitted to a first network conditioning unit 52A that couples the data signal onto a power line for reception by a second network conditioning unit 52B. The second network conditioning unit 52B may then provide the data signals to a second modem, which may output the speech or data. Thus, the transceiver or modem disclosed by Brown cannot be construed as the transceiver and modem combination as claimed.

Furthermore, the network conditioning units of Brown, shown in Figures 6-11, only include filters for separating out the power network from the communication networks and do not include a modem (or modulating) as required by claims 20, 36, and 58. (See also col. 8, ll. 16-21). In fact, the text of Brown does not mention or include the word “modem” or “transceiver”. In addition, Brown fails to disclose routing data or a router as required by claim 36 and amended claims 20 and 58.

In summary, Brown fails to disclose:

- a fiber optic transceiver;
- a modem and a transceiver; or

a router;

as required by claims 20, 36, and similarly required in claim 58.

Consequently, Applicant submits that claims 20 and 58 are allowable over Brown. In addition, because a claim that is dependent from a patentably distinct claim is also patentably distinct, Applicant respectfully requests allowance of claims 21-24 and 25-35, which depend from claim 20, claims 37-41, 43-46, and 50-57, which depend from claim 36, and claims 58 and 61, which depend from claim 58.

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown. In addition to other elements, claim 1 requires communicating a data signal with a transformer bypass device. One embodiment of such a device is shown in Figure 3 of the present application. As shown in the figure, and claimed in amended claim 1, the transformer bypass device is coupled to the medium voltage power line and to the low voltage power line. Brown does not disclose a transformer bypass device or other device coupled to a medium voltage power line and a low voltage power line as required by claim 1. In addition, and as discussed above, Brown fails to disclose routing data.

The Office Action asserts that Nishikawa discloses a router for use in a optical/power network. However, the cited passage does not discuss fiber optic networks or power line networks. Consequently, Applicant submits that Nishikawa does not disclose the use of a router in combination with a fiber optic network or a power communications network as asserted.

Consequently, Applicant submits that claim 1 is allowable over Brown and over Brown in view of Nishikawa. In addition, because a claim that is dependent from a patentably distinct claim is also patentably distinct, Applicant respectfully requests allowance of claims 2-8, 10, 11, and 13-19, which depend from claim 1.

In view of the foregoing, it is respectfully submitted that the claimed invention is patentably distinguished over the asserted prior art references and that the application stands in condition for allowance. It is respectfully requested that the application be reconsidered, that all pending claims be allowed, and that the application be passed to issue.

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Application No.: 10/016,998
Office Action dated April 19, 2005

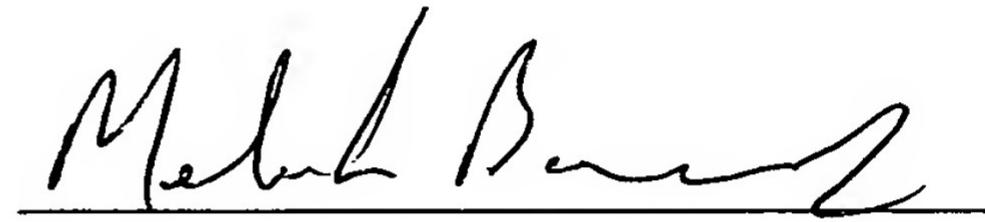
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CONCLUSION

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact Mel Barnes at (301) 581-0081, to discuss any other changes deemed necessary in a telephonic interview.

If an additional extension is necessary for this amendment to be considered timely filed, a written conditional petition therefore is hereby made. Authorization is hereby granted to charge any deficiencies in fees, including any fees for extension of time under 37 C.F.R. §1.136(a), to Deposit Account 50-0687. Please credit any overpayment in fees to the same deposit account.

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Melvin L. Barnes, Jr.
Registration No. 38,375

Manelli Denison & Selter, PLLC
2000 M Street, N.W. Suite 700
Washington, DC 20036
Telephone: (301) 581-0081
Facsimile: (202) 318-7456